# 2007-2008 ANNUAL REPORT

Child & Youth Advocate

Honourable Janis Tarchuk
Minister of Children and Youth Services
Executive Branch
228 Legislature Building
10800 97 Avenue NW
Edmonton, Alberta
T5K 2B6

Dear Minister:

I am pleased to present you with the Annual Report of the Child and Youth Advocate. This Report covers the fiscal year ending March 31, 2008. During that year, our office was a part of the Ministry of Alberta Children's Services, which was renamed in March to the Ministry of Alberta Children and Youth Services.

Yours sincerely,

John Mould
Child and Youth Advocate

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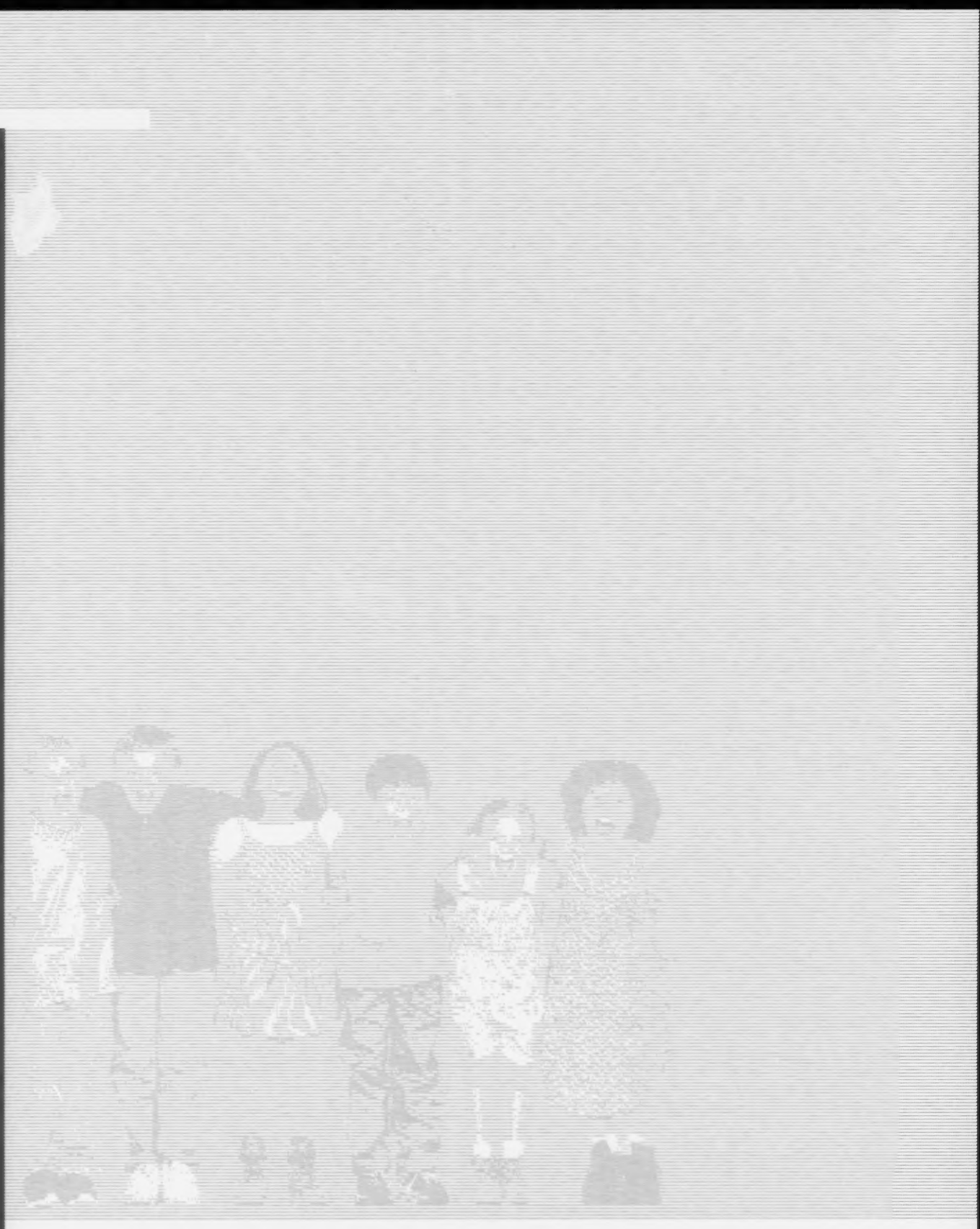
## Notes Regarding our Use of Terms in this Report

**The Name of Our Ministry**
In March of 2008, the Ministry of Alberta Children's Services was renamed the Ministry of Alberta Children and Youth Services. Within the document, we have used the term "Children and Youth Services," or simply "the Ministry."

**The Names of the Acts Giving the Child and Youth Advocate Authority**
In November 2007, the *Protection of Children Involved in Prostitution Act* (*PChIP*) was replaced with the *Protection of Sexually Exploited Children Act* (*PSECA*). Within this document, we have used the name of the Act which applies to the particular discussion.

**References to Aboriginal Young People**
When a discussion applies to a specific group – First Nations, Non-status Indians, Métis, or Inuit young people – we have made that clear. In other instances, we have used the inclusive term "Aboriginal."



# Message from the Child and Youth Advocate

Currently, 18 Delegated First Nation Agencies (DFNAs) provide child intervention services on 40 of the 47 First Nations (which encompass 110 of the 126 reserves) in Alberta. These agencies are accountable and responsible for ensuring that children and youth in need of intervention on reserves will receive the statutory child intervention services that they require.

A Delegated First Nation Agency is incorporated under the laws of Alberta. The Chief and Councils of the member First Nations pass resolutions to support the DFNAs entering into agreements with the Governments of Canada and Alberta.

This results in a unique arrangement for each DFNA Board of Directors. They are accountable to Indian and Northern Affairs Canada (INAC) for funding, and accountable to the Minister of Children and Youth Services for programs and services it is contractually obligated to provide. They are also answerable to both the Chief and Council and the community.

For many years there have been concerns expressed by DFNAs regarding the INAC funding model. These concerns were heightened with the passing of the *Child, Youth and Family Enhancement Act* which endorsed an approach to providing services (Family Enhancement) that was not accounted for in the funding model.

During this reporting year, the Ministry supported all the Chiefs in Alberta in securing $98 million of additional funding over 5 years for the DFNAs. The Ministry also provided significant support to the Agencies in developing their business plans. This infusion of additional dollars will allow DFNAs to deliver much needed Family Enhancement services on reserve.

From the perspective of the Office of the Child and Youth Advocate, this is a significantly positive development that will mitigate against what was, arguably, a two-tier level of service being provided to children in Alberta, dependent upon whether they were living on or off reserve.

*"This results in a unique arrangement for each DFNA Board of Directors. They are accountable to Indian and Northern Affairs Canada (INAC) for funding, and accountable to the Minister of Children and Youth Services for programs and services it is contractually obligated to provide. They are also answerable to both the Chief and Council and the community."*

# Resources

## Organizational Development

The Office of the Child and Youth Advocate continued to refine the structure for Legal Representation for Children and Youth (LRCY) by eliminating the remaining project development positions and adding positions necessary to complete implementation of the initiative. In addition, the Office developed two Systemic Advocacy Analyst positions that were made available due to the closure of the Community Advocacy Initiative in 2006-2007.

The Southern Regional Advocacy team located in Calgary completed the development of a self-directed team, which manages the delivery of advocacy services in the southern areas of the Province.

Most significantly, however, the OCYA established an Advisory Committee to assist in the development of a Memorandum of Understanding (MOU) that describes the arm's length relationship of the Child and Youth Advocate with the Ministry of Children and Youth Services. The MOU is currently under development.

# Budget

Expenditures for 2007-2008 were $6,183,000. This includes an estimate of unbilled costs accrued for legal services provided in the fiscal year.

## Legal Representation for Children and Youth

| | |
|---|---|
| Legal appointments made in 2007-2008 | 1,144 |
| Roster Lawyers available to provide services (as of March 31, 2008) | 76 |

# Individual Advocacy

## Children Served

Children served in 2007-2008

| | |
|---|---|
| Active as of April 1, 2007 | 764 |
| New children in 2007-2008 | 2821 |
| Total children served in 2007-2008 | 3585 |
| Active as of April 1, 2008 | 697 |

Comparison with children served in previous years

| | |
|---|---|
| Total children served in 2005-2006 | 3709 |
| Total children served in 2006-2007 | 3968 |
| Total children served in 2007-2008 | 3585 |

Referral Source

| | |
|---|---|
| Self-referral | 657 |
| Third Party | 1731 |
| Mandatory | 1068 |
| Own Motion* | 73 |
| Anonymous | 56 |
| **Total** | **3585** |

## Demographics

Racial Origin

| | |
|---|---|
| Caucasian | 1330 |
| Aboriginal | 1773 |
| Unknown | 287 |
| Mixed Race | 100 |
| Asian | 24 |
| Black | 47 |
| East Indian | 24 |
| **Total** | **3585** |

Ages of Children Served

| | |
|---|---|
| 0 - 5 years | 693 |
| 6 - 11 years | 1010 |
| 12 - 17 years | 1604 |
| 18 - 21 years | 268 |
| Over 21 years | 7 |
| Unknown | 3 |
| **Total** | **3585** |

** "Own Motion" referrals are those initiated by the Office of the Child and Youth Advocate.*

# Systemic Advocacy

Throughout North America, there are challenges common to all public child welfare systems, and Alberta is not immune. These challenges – such as finding permanent homes for children and youth who will not be returned to the care of their birth parents, recruiting and retaining sufficient and appropriate placements for children and youth temporarily in care, having access to adequate mental health services, and eliminating the causes of maltreatment of children and youth when they are in care – appear year after year. They are the source of most issues that affect the children and youth who come to our attention and are the focus of much of our individual and systematic advocacy work.

It is disturbing that these challenges remain intractable. If they are so well known, why are they not fixed? Canadian and American child welfare literature is full of responses to that question and it is not the intent to review the challenges or the corresponding literature here. It is the intent to say that these challenges are the reason why advocacy for children and youth receiving child welfare services from government is so important.

This is not a plug for formal advocacy offices like the Office of the Child and Youth Advocate (OCYA), but for the role of advocate that can and ought to be played by all citizens on behalf of vulnerable children and youth in our communities. Too many of the children and youth we meet say that being in care is like being invisible. Too many describe themselves as "citizens of care." The only circumstance that will make a difference to these children and youth is the active interest of society in knowing what is happening in their lives, and in establishing relationships that will help them feel like wanted and valued members of their communities.

The following are the provincial systemic issues identified by the OCYA over the 2007-08 reporting year.

## Permanency

Stability and continuity of placement is a necessary pre-condition for children and youth to undertake mastery of their developmental tasks. Children and youth who have the security of knowing, "This is my home and these are my parents" have the best foundation from which to undertake the business of growing up. As referenced in the 2005-06 Annual Report, the current definition of permanence used by the Ministry excludes children and youth in the permanent care of the Director. In other words, those children in permanent care who will never be adopted or made subject of a private guardianship order, are also not subject of

any Ministry policy direction that would ensure they are provided with as much stability and continuity of placement (i.e., with as much permanence) as is possible while they are in the Director's care. Despite an apparent commitment to revise the definition of permanence, Ministry policy in this regard remains unchanged.

Permanency is one of the OCYA's longest-standing systemic issues. It has been referenced in every OCYA annual report since 2001/2002.

Over the past several years, there have been notable improvements in Ministry legislation, policy and practice regarding achievement of permanency for children and youth who will not be returning to the care of birth parents. Chief among the improvements is the *Child, Youth and Family Enhancement Act*, which emphasizes timely decision making and permanency planning. The definition of permanent placement in policy has been broadened to include kinship care arrangements and private guardianship and custom adoption, and the Ministry's "supports for permanence" program provides significantly strengthened support for families that commit long term to children and youth. All of these changes have made a significant and positive difference. In the past two years, almost one thousand children achieved permanence outside the care of the Director. Of those, almost 400 were Aboriginal.

*Over the past several years, there have been notable improvements in Ministry legislation, policy and practice regarding achievement of permanency for children and youth who will not be returning to the care of birth parents.*

Aboriginal children and youth, children and youth with special needs and older children and youth continue to be the least likely to experience permanency. For this reason, there is a need for continued, meaningful conversation about their permanency requirements. Adequate policy direction and practice approaches are required to achieve the greatest amount of stability and continuity of care possible for children and youth for whom placement outside the Director's care is not available or not appropriate. There must also be continued efforts to locate permanent placements for those children and youth who are the so-called "hard to place." What more can be done, and should be done, to meet their permanency needs? We see a need for communication – conversation between the Department, frontline service providers and the public – about how to find the means to grant the very reasonable request of children and youth in care to be a part of a family.

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## Restrictive Procedures and Intrusive Measures

The OCYA believes there is a lack of clarity around terminology, an absence of comprehensive procedures and a want of accountability expectations for restrictive procedures and intrusive measures used to control the behaviour of children and youth in care.

The Child and Youth Advocate raised these issues in the 2004/05 and 2005-2006 Annual Reports and they remain unaddressed.

*"Physical restraints, psychotropic medications, confining children/youth in locked rooms, denial of phone or personal contact with family members, listening to phone conversations or to conversations during visits – these are but some of the restrictive procedures and intrusive measures used by caregivers."*

There are many different methods used to restrict the movement and privacy of children and youth in foster care and group care. Physical restraints, psychotropic medications, confining children/youth in locked rooms, denial of phone or personal contact with family members, listening to phone conversations or to conversations during visits – these are but some of the restrictive procedures and intrusive measures used by caregivers.

Clarity around the meaning and use of restrictive procedures and intrusive measures is in the best interests of children and youth in care, and of care providers. It is the OCYA's position that restrictive procedures and intrusive measures are different one from the other, and are terms that require clear Ministerial definition. The definition should include a comprehensive list of what actions and activities are included in each, a clear provincial position about what actions/activities are not permitted and standard monitoring processes for those that are. When restrictive procedures and intrusive measures are implemented, there should be justification for the reason and frequency of use. The OCYA would also recommend that service providers be appropriately trained and supported to use the least restrictive/intrusive means of managing the children and youth in their care.

## Children and Youth with Complex Needs

Among those who are in the care of the Children and Youth Services Ministry are children and youth whose needs exceed the capacity of most care providers. The following is a description of one such youth. There are caseworkers in Alberta who would say they have, or have had, this youth on their caseload. In fact, the description that follows is about a youth from another province. He well represents what is meant by a youth with complex needs.

*Adam (not the young person's real name) was born to a single mother. She had a reported history of being significantly mentally challenged and was a member*

*of a visible minority. At the time of his birth, Adam and his mother both lived with her foster parents. There were reports of early neglect, deprivation and emotional abuse, resulting in global developmental delays and failure to thrive. When the child was two years old, he was taken into care. Less than a year later his mother's guardianship had been terminated and he was adopted. Adam remained in this home with another adopted child and a step-brother until he was twelve.*

*From age three onward, Adam made limited developmental progress. He was diagnosed with Oppositional Defiant Disorder and Attention Deficit Hyperactivity Disorder. Prescribed medication, he reacted negatively. He was hospitalized for about two months during a psychotic phase. In the next few years, several diagnoses were discussed, and medication was prescribed accordingly. Today, Adam's diagnosis is still being debated.*

*From the time he started school, Adam had difficulty adapting. His adoptive mother decided to school him herself at home. Despite the involvement of child welfare and mental health professionals, it appears his schooling and educational needs were not addressed; he received very few educational services. As he grew, he became increasingly difficult. He began assaulting his adoptive mother, threatening to kill her. He showed dissociative behaviour and was defiant and uncooperative.*

*When Adam was twelve, his adoptive mother informed child welfare she and her husband could no longer care for him. They turned guardianship over to child welfare and Adam was placed in a residential facility.*

*After one year in this facility, and although Adam was provided with two-on-one staffing and three-on-one staffing in situations where he exhibited uncontrollable behaviour, it became evident that this facility lacked the specialized services to meet Adam's needs. Some of the behaviours he presented were: mood swings resulting in unpredictable violent episodes, biting staff, assaulting staff, and smearing his feces on staff's faces and clothes. The staff felt it was becoming difficult to keep themselves, and Adam, safe.*

Policy documents released by the Alberta Children and Youth Initiative, including *Policy Framework for Services for Children and Youth with Special and Complex Needs and their Families* (July 2003) and *The Management of Integrated Services for Children and Youth with Complex Needs and their Families: Guidelines for Alberta Regional Teams* (August 2003), speak to enhancing government's service

support for and to children and youth with complex needs. The documents address the need to develop an easily identifiable, integrated response to children and youth with complex needs in every Child and Family Services Authority (CFSA). Unfortunately, this approach to support for children and youth in the care of the Ministry has not been realized.

The OCYA believes there is a need for every ministry that has a role to play – chief among these being Children and Youth Services, Education, and Health and Wellness – to come together to develop an overall plan that meets the needs of children and youth with complex needs. It would better serve the children and youth to have the appropriate departments provide expertise and resources to joint service plans that would:

- manage the behavioural challenges of children and youth
- enable the children and youth to be cared for safely
- encourage the development of educational and social skills and abilities to the greatest extent possible
- help prepare the children and youth for transition into the adult service world.

## Investigation of Protection Reports about Children and Youth in Care

The vast majority of child protection reports made to the Ministry are about children and youth who are unknown to the Ministry or who received services in the past but whose files were closed. On occasion, however, reports that a child may be in need of protection are made about children and youth who are currently in the care of the Ministry.

Historically, the child intervention service system did not distinguish between the two circumstances. The same investigation approach was used, and the same documentation completed, regardless of whether the child or youth was a "new" referral or already in receipt of services.

Some time ago, the service system recognized there are distinct differences between the two types of referral circumstances and that these differences require both a different service response and a different recording methodology that distinguishes the investigation of a report about a child/youth already in care from other investigations.

As indicated in the 2005-2006 Annual Report, individual CFSAs and Delegated First Nation Agencies (DFNAs) have made changes at a delivery level to reflect the differences. However, there has been no policy and procedure direction from

the Department and the changes from authority to authority are inconsistent. As a result, there is confusion within the child welfare service delivery sector about terminology, about processes used to investigate allegations concerning in-care placement resources, and about procedures to record concerns on the Ministry's information system. We believe this can only be remedied by the Department's developing clear direction – policy, procedures and practices – that differentiates the service response to allegations concerning children and youth who are in care and those who are not known to the service system.

*...there is confusion within the child welfare service delivery sector about terminology, about processes used to investigate allegations concerning in-care placement resources, and about procedures to record concerns on the Ministry's information system.*

## School Completion

Today's child welfare systems are charged with the responsibility of assisting the normal growth and development of the children and youth who receive their services. There is overwhelming evidence from across North America that indicates children and youth in care do not experience the same success in school as their peers. Children and youth in care are more likely to perform below grade level and to fall behind their peers as they get older. They are over-represented in special education and vocational classes and are more likely to be identified as having behavioural disorders, severe learning disabilities or mild intellectual disabilities. They are more likely to be suspended or expelled from school and are less likely to complete high school. The OCYA believes greater attention must be given to setting education attainment goals for children and youth in care and improving high school completion rates.

Our experience suggests that education is not sufficiently considered in service planning for children and youth in care. This leads to:

- confused roles – It is not clear amongst the various players who is to be the child's educational champion
- incomplete records – Child welfare case records often contain very little information about a child's educational history
- limited educational expectations – It is often argued that because children in care struggle with overwhelming emotional issues, they cannot be expected to focus on schooling; this leads to inappropriately low educational expectations
- lack of stability – Multiple school interruptions and transfers adversely impact educational attainment
- lack of coordination between child welfare and educational systems – There is mutual criticism and an apparent lack of information sharing between educational authorities and intervention authorities.

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These factors contribute to the feeling of children and youth in care that no-one is concerned about their education or that it is not a priority. When the caseworkers, caregivers and/or school environment are unsupportive or unprepared, these feelings are intensified and, in too many instances, lead to children and youth performing poorly in school or dropping out of school. Helping children and youth in care to be successful in school and reach graduation prepares them for employment, for entry into a trade and/or for pursuit of post-secondary education. All of these outcomes significantly impact the future economic, social and psychological well-being of children and youth in care.

The 2006-2007 Annual Report focused specifically on education completion and children and youth in care. That report made the following recommendations to improve educational success and increase high school completion rates for children and youth in care.

1. Increase attention to, and emphasis placed on, the educational success of youth in care as a prime responsibility of the child welfare system.
2. Set system-wide outcome goals for educational attainment and establish data-gathering processes to monitor achievements.
3. Create a requirement of caseworkers for youth under Permanent Guardianship, or youth transitioning to independence, to assess their educational status – including accomplishments and needs – annually, and to address the results in an action plan.
4. Use the educational component of the *Looking after Children Action and Assessment Record – Canadian Edition* (or a similar resource) for children and youth under Permanent Guardianship or transitioning to adulthood.
5. Provide increased and extended support to youth transitioning to adulthood to specifically target improved educational achievement.
6. Listen to the voices of youth.
7. Clarify and develop the role of caregivers as educational champions.
8. Improve coordination between the child welfare and educational systems.

## Placements

A familiar systemic issue for public child welfare systems is the recruitment and retention of, and the contracting for, sufficient and appropriate placements for children and youth in care.

For whatever reasons, there has been a net decrease in the number of foster homes in Alberta. At the same time, Alberta's booming economy has resulted in an exodus of staff from contracted group care resources to other employment opportunities with better pay. All of this results in decreased placement resources for children and youth in care.

CFSAs, DFNAs and the Department have invested considerable resources to understand and to address the current placement shortage. Immediate solutions to address the shortage are not available, and numbers of children and youth have been left without appropriate living accommodation.

*"...there has been a net decrease in the number of foster homes in Alberta. At the same time, Alberta's booming economy has resulted in an exodus of staff from contracted group care resources to other employment opportunities with better pay. All of this results in decreased placement resources for children and youth in care."*

# Appendices

## Appendix A

**Advocacy as Practised by the Office of the Child and Youth Advocate**

There are two key assumptions that underlie the original development and the ongoing operation of the Office of the Child and Youth Advocate (OCYA).

- Children and youth have certain rights and interests, some generic and some pertaining to their status in the child welfare system, the operationalization of which may require specific supports focused specifically on the child.
- The empowerment of children and youth through promoting their active participation in the planning and decision-making process is a potent process that enhances both the quality of decision-making within the system and the healthy development of those young people served by the system.

With respect to the first point we acknowledge that that there are many people who may, and in fact do, effectively advocate for young people receiving services from the Intervention System. These include parents, caseworkers, caregivers, therapists, etc. However there are many situations in which such parties' ability or effectiveness in advocating for children is limited. For example, parents may be alienated from their children, or may have diminished capacity to effectively deal with formal institutional systems due to their own personal problems or disadvantaged situations. Caseworkers may be compromised in advocating for youth when as decision makers a best interest test leads them to make decisions which are strongly opposed by such youth.

Additionally, it is widely recognized that bureaucratic organizations, despite the best efforts of committed people within them, get diverted from the stated service aims of the institution.

The intervention/enhancement system is vested with far-reaching authority to impact the lives and experiences of the children it serves. It has the potential to make decisions that are far more intrusive and involve far greater curtailment of liberty than would be the case for parents in a normal family setting. The impact of a system with such potential authority can be to disempower children who by their nature and experiences already have diminished capacity to advance their own cause.

For all of these reasons it was felt important to provide a resource to children and youth receiving Intervention Services that focused exclusively on protecting their rights and interests and supporting their participation in the system.

## Role of the OCYA

The Office of the Child and Advocate was originally established through an amendment to the *Child Welfare Act* (1989) and now continues under the *Child, Youth, and Family Enhancement Act*. The two primary responsibilities of the office are:

- to represent individual children and youth served under the *Child, Youth and Family Enhancement Act* and the *Protection of Sexually Exploited Children Act* (case advocacy)
- to provide information and advice to the Minister and the Minister's staff with respect to the welfare and the interests of, and the provision of services to, the children and youth who receive services under the *Child, Youth and Family Enhancement Act* and the *Protection of Sexually Exploited Children Act* (systemic advocacy).

The OCYA carries out the case advocacy function by protecting the rights and advancing the interests and viewpoints of young people receiving services. If an Advocate is involved with a youth who is able to provide instruction, a viewpoint focus will be taken. The Advocate will align him/herself with the youth and assist him/her to participate in the decision-making process toward the outcomes the youth has identified. Based on an essential understanding by all parties that the Advocate has no decision-making authority, the Advocate comes to the process as a partisan support for the youth. This is based on the underlying assumption that decisions will be better informed if made with active reference to the expressed views of the youth, and that the youth's supported participation can assist him or her to be heard by the bureaucracy which has the authority to make life-shaping decisions on his or her behalf. Understanding the absence of decision-making authority on the part of the Advocate, and understanding that the child's right to be heard is not tantamount to a right to decide, are critical in appreciating the Advocate's role.

If an Advocate is involved with a child who is unable to provide instruction, the Advocate will take an interest focus. The focus of advocacy will be to ensure all available information is considered in decision-making processes and that decisions take into account active reference to the young person's interests including those referenced in the "Matters to be considered" section of the *Child, Youth and Family Enhancement Act*.

Systemic advocacy work pools the experience gained from case advocacy activities in identifying, and assessing issues and deficiencies in how youth experience services received, and communicating these to those responsible in the service delivery system for the refinement of policy and/or for enhancing the effectiveness of practice.

## Principles and Values

Within the OCYA the delivery of advocacy services is guided by a set of articulated principles and values. It is expected that these influence not only the structure and operation of the Office in general but also the activity and behavior of individual Advocates. These include the following:

- Empowerment – Advocacy has as a prime focus, the empowerment of the young person to speak for him/herself and to participate in planning and decision-making
- Child Focused Practice – The young person is the client of the Child and Youth Advocate. This requires compassion, respect and empathy for the young person's perspective
- Advocacy is a Shared Responsibility – The involvement and assumption of responsibility by the community are key considerations. The goal is to involve, empower and support, rather than to replace or supplant natural advocates
- Eschewing Authority – An Advocate's effectiveness depends on the quality and cogency of facts, upon persuasion, and upon access to progress of levels of individual decision makers and decision-making processes rather than the authority to dictate outcomes. This implies sharing of information, the encouragement of and respect for diversity of opinion, and the absence of a win-lose view of problem solving
- Informality – An informal, non-intrusive style is key to effective advocacy. Informally negotiated, collaborative strategies, at the organizational level closest to the child, are the preferred approaches to problem resolution; not formal or adversarial processes. However the Advocate's obligation to the young person may require strategies which involve progressively higher levels of organizational authority or which resort to more formal mechanisms such as courts or appeal panels
- Holistic Perspective – Decision-making about the life of an individual can benefit from a variety of perspectives, disciplines, and values that consider the whole person in his/her environment.

## Appendix B:

***Child, Youth and Family Enhancement Act* – Office of Child and Youth Advocate**

This excerpt from the Act describes the structure and duties of the OCYA.

3(1) The Lieutenant Governor in Council may, on the recommendation of the Minister, appoint a Child and Youth Advocate, who shall hold office for a term not exceeding 5 years.

(2) The Minister may authorize and provide for the payment of the remuneration and expenses of the Child and Youth Advocate and for the office and staff of the Child and Youth Advocate.

(3) The Child and Youth Advocate shall

(a) advise the Minister on matters relating to the welfare and interests of children who receive services under this Act or the *Protection of Sexually Exploited Children Act* and the provision of those services;

(b) receive and review complaints or concerns that come to the attention of the Child and Youth Advocate respecting children who receive services under this Act or the *Protection of Sexually Exploited Children Act*;

(c) represent the rights, interests and viewpoints of children who receive services under this Act or the *Protection of Sexually Exploited Children Act*;

(d) facilitate the involvement of family or community members in assisting in advocating for a child who is receiving services under this Act or the *Protection of Sexually Exploited Children Act*;

(e) perform additional duties and functions that are conferred on the Child and Youth Advocate by the regulations or that are from time to time assigned to the Child and Youth Advocate by the Minister;

(f) submit a report to the Minister every 3 months on the Child and Youth Advocate's activities and observations;

(g) prepare and submit annual reports to the Minister respecting the exercise of the duties and functions of the Child and Youth Advocate.

(4) On receiving a report under subsection (3)(g), the Minister shall lay a copy of the report before the Legislative Assembly if it is then sitting, and if not, within 15 days after the commencement of the next sitting.

(5) For the purpose of performing the duties and functions of the Child and Youth Advocate, the Child and Youth Advocate may

(a) communicate with and visit a child who is receiving services under this Act or the *Protection of Sexually Exploited Children Act* or a guardian or other person who represents the child;

(b) have access to information relating to a child that is in the possession of a director under this Act or under the *Protection of Sexually Exploited Children Act* or other person or agency providing services to a child on behalf of a director under this Act or under the *Protection of Sexually Exploited Children Act;*

(c) at the request of a child who is receiving services under this Act or the *Protection of Sexually Exploited Children Act*, the Minister or any person acting on the child's behalf, review and make recommendations regarding any matter relating to the provision of services to the child under this Act or the *Protection of Sexually Exploited Children Act*;

(d) provide information relating to, speak on behalf of and otherwise represent a child who is receiving services under this Act or the *Protection of Sexually Exploited Children Act* when major decisions relating to the child are being made under this Act or the *Protection of Sexually Exploited Children Act*;

(e) on the initiative of the Child and Youth Advocate or at the request of a child who is receiving services under this Act or the *Protection of Sexually Exploited Children Act*, assist in appealing or reviewing a decision of a director relating to the child;

(f) provide assistance and advice to an Appeal Panel or a Court with respect to a child who is receiving services under this Act or the *Protection of Sexually Exploited Children Act*.

(6) The Child and Youth Advocate may delegate any duty or function conferred or imposed on the Child and Youth Advocate under this Act, the *Protection of Sexually Exploited Children Act* or the regulations under either Act in respect of a child

(a) to a person employed or engaged in the administration of this Act or the *Protection of Sexually Exploited Children Act,*

(b) to a person who provides care to the child, represents the child or is concerned about the welfare of the child, or

(c) to a family or community member referred to in subsection (3)(d) who is assisting in advocating for the child.

RSA 2000 cC-12 s3;2003 c16 s6;2004 c16 s3; 2007 c8 s12

## Appendix C:

***Child, Youth and Family Enhancement Act*** **– Matters to be considered**

This excerpt from the Act describes the philosophical and value framework to be applied when any decision is made in relation to children who are considered to be in need of protection. It is important in that it not only sets out the overriding "best interest test" but also provides more specific considerations to help guide decision-making.

2 If a child is in need of intervention, a Court, an Appeal Panel and all persons who exercise any authority or make any decision under this Act relating to the child must do so in the best interest of the child and must consider the following as well as any other relevant matter:

(a) the family is the basic unit of society and its well-being should be supported and preserved;

(b) the importance of stable, permanent and nurturing relationships for the child;

(c) the intervention services needed by the child should be provided in a manner that ensures the least disruption to the child;

(d) a child who is capable of forming an opinion is entitled to an opportunity to express that opinion on matters affecting the child, and the child's opinion should be considered by those making decisions that affect the child;

(e) the family is responsible for the care, supervision and maintenance of its children and every child should have an opportunity to be a wanted and valued member of a family, and to that end

(i) if intervention services are necessary to assist the child's family in providing for the care of a child, those services should be provided to the family, insofar as it is reasonably practicable, in a manner that supports the family unit and prevents the need to remove the child from the family, and

(ii) a child should be removed from the child's family only when other less disruptive measures are not sufficient to protect the survival, security or development of the child;

(f) subject to clauses (e) and (g), if a child has been exposed to domestic violence within the child's family, intervention services should be provided to the family in a manner that supports the abused family members and prevents the need to remove the child from the custody of an abused family member;

(g) any decision concerning the removal of a child from the child's family should take into account the risk to the child if the child remains with the family, is removed from the family or is returned to the family;

(h) if it is not inconsistent with protecting the survival, security or development of a child who is in need of intervention, and appropriate community services are available, the child or the child's family should be referred to the community for services to support and preserve the family and to prevent the need for any other intervention under this Act;

(i) any decision concerning the placement of a child outside the child's family should take into account

(i) the benefits to the child of a placement within the child's extended family;

(ii) the benefits to the child of a placement within or as close as possible to the child's home community,

(iii) the benefits to the child of a placement that respects the child's familial, cultural, social and religious heritage,

(iv) the benefits to the child of stability and continuity of care and relationships,

(v) the mental, emotional and physical needs of the child and the child's mental, emotional and physical stage of development, and

(vi) whether the proposed placement is suitable for the child;

(j) the provision of intervention services is intended to remedy or alleviate the condition that caused the child to be in need of intervention;

(k) intervention services are most effective when they are provided through a collaborative and multi-disciplinary approach;

(l) if a child is being provided with care under this Act, the child should be provided with a level of care that is adequate to meet the needs of the child and consistent with community standards and available resources;

(m) if a child is being provided with care under this Act, a plan for the care of that child should be developed that

(i) addresses the child's need for stability, permanence and continuity of care and relationships, and

(ii) in the case of a youth, addresses the youth's need for preparation for the transition to independence and adulthood;

(n) a person who assumes responsibility for the care of a child under this Act should endeavour to make the child aware of the child's familial, cultural, social and religious heritage;

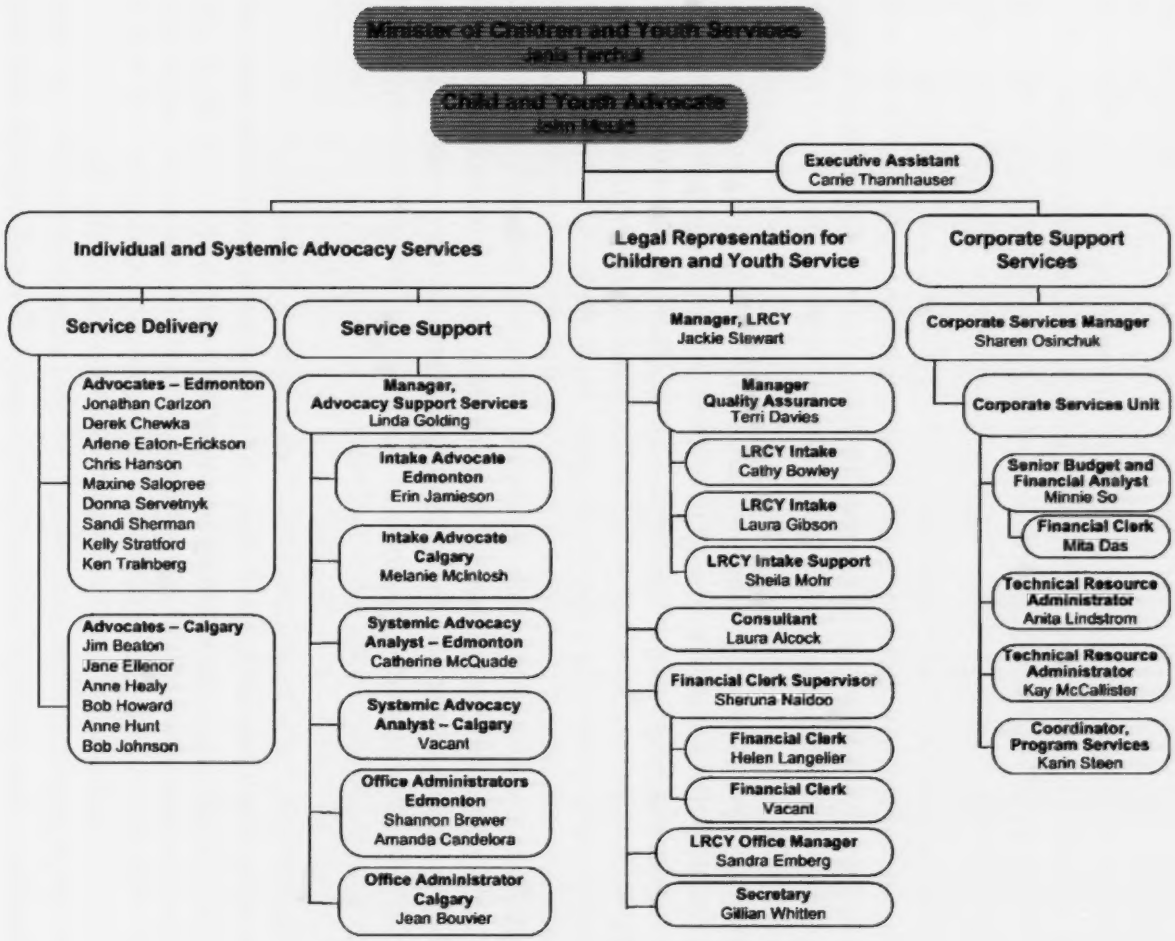
(o) there should be no unreasonable delay in making or implementing a decision affecting a child;

(p) if the child is an aboriginal child, the uniqueness of aboriginal culture, heritage, spirituality and traditions should be respected and consideration should be given to the importance of preserving the child's cultural identity.

RSA 2000 cC-12 s2;2003 c16 s4

## Appendix D:

## Organizational Chart 2007-2008



Alberta